

9. NON-COMPLIANCE, FRAUD, AND ABUSE

By submitting a site contract in imMTrax and accepting shipment of VFC vaccine, you are agreeing to abide by the statutory requirements of the VFC program. These requirements are federal law, and as the administrator of the VFC Program in Montana, the Immunization Program must enforce compliance.

Non-compliance, fraud, and abuse is typically discovered during VFC site visits but may also be self-reported, reported by third parties, or revealed through vaccine ordering and accountability data. All circumstances are unique making it difficult to develop a set of rules for handling all situations. We also recognize our obligation to communicate effectively to providers about VFC Program requirements.

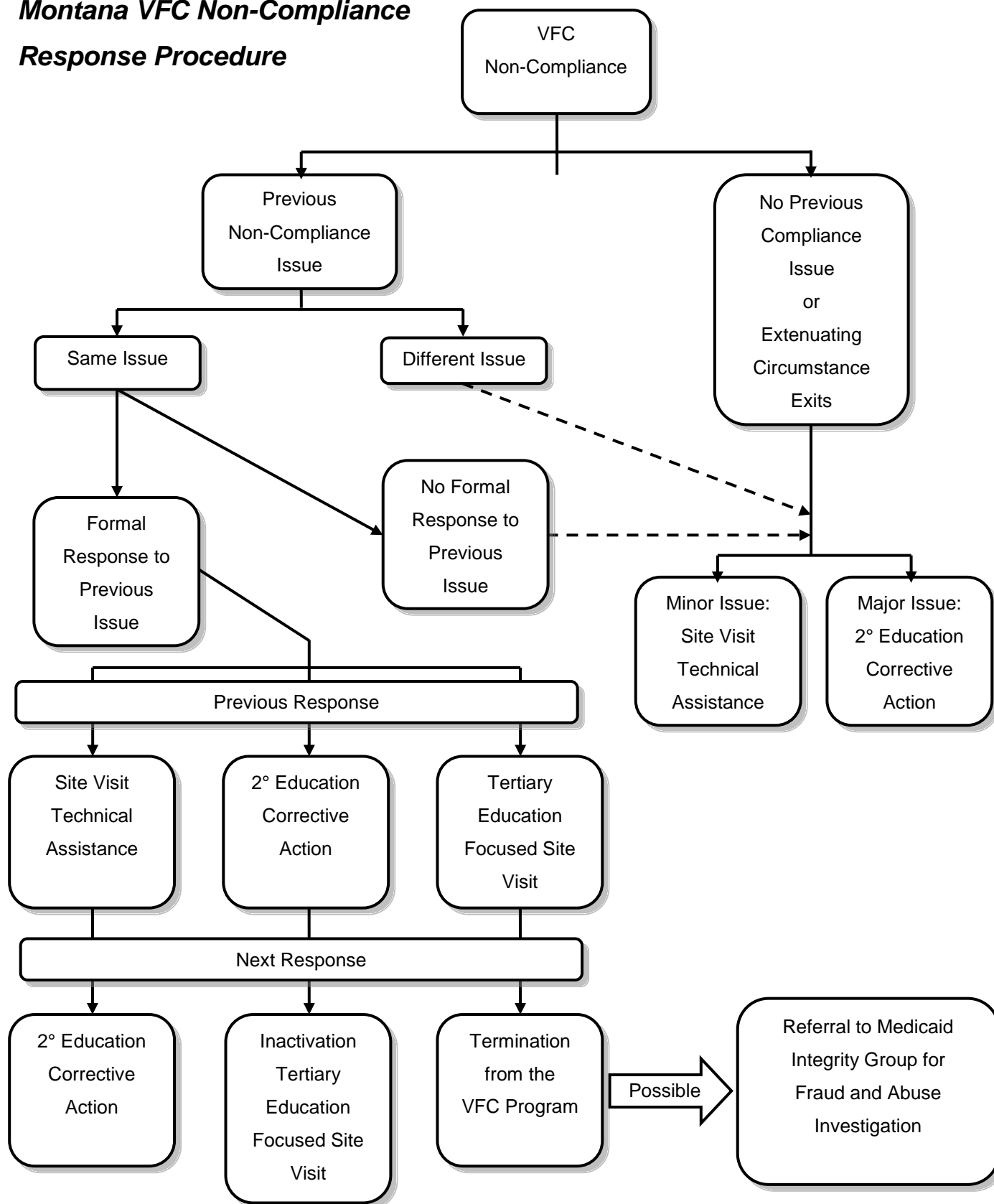
Policy

The primary response of the Montana Immunization Program to non-compliance, fraud, and abuse is education, which progresses through three levels as defined below:

- **Site Visit Technical Assistance** – Site visit technical assistance occurs when minor compliance issues are corrected during a site visit and no corrective action from the provider is required. If subsequent follow up indicates that the issue has not been corrected, the compliance issue progresses to the secondary education level.
- **Secondary Education** – Secondary education focuses on a specific non-compliance issue and includes a corrective action plan for the provider. Secondary education can occur in person during a regular compliance site visit but may occur via telephone or email. If the corrective action plan is not completed and/or the issue is not corrected, providers are inactivated from vaccine ordering, and the issue progresses to the tertiary education level.
- **Tertiary Education** – Tertiary educational involves a focused site visit directed at a specific non-compliance issue and a corrective action plan for the provider. If the corrective action plan is not completed and/or the issue is not resolved at this level, the provider is terminated from the VFC Program and possibly referred to the Medicaid Integrity Group for investigation for fraud and abuse.

In general, providers are given three opportunities to correct non-compliance issues before being inactivated or terminated from the VFC Program. When responding to non-compliance issues, the Immunization Program will consider extenuating circumstances, whether it is a major or minor issue, and whether the non-compliance is intentional, negligent, or simply an error due to lack of knowledge. The basic process for Montana VFC non-compliance response is outlined in the diagram on the next page.

Montana VFC Non-Compliance Response Procedure



Definitions

Abuse – Provider practices that are inconsistent with sound fiscal, business, or medical practices that result in an unnecessary cost to the Medicaid program, immunization program, a health insurance company, or a patient; or reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care.

Corrective Action Plan – Tasks that must be completed by the provider in order to resolve a noncompliance issue. Corrective action plans are part of secondary and tertiary education sessions.

Extenuating Circumstance – A condition that makes a non-compliance issue excusable or less serious.

Focused Site Visit – An in-person visit from Immunization Program staff that educates a provider on a specific non-compliance issue and ensure that corrective actions have taken place. A focused site visit is separate from a compliance site visit.

Follow-Up – Actions taken by the Immunization Program staff to ensure that a corrective action has taken place and a compliance issue is resolved.

Fraud – An intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person.

Inactivation – Temporary suspension of vaccine ordering in the VFC Program. Inactivated providers may be required to return VFC vaccine per State instructions.

Intentional – Acting with full awareness of what one is doing and the consequences of the action.

Major Issue – A provider action that results in non-compliance with one of the statutorily defined requirements outlined in the VFC Provider Agreement. (e.g., neglecting to document eligibility screening.)

Medicaid Integrity Group – A division of the Centers for Medicare and Medicaid Services charged with investigating fraud, waste, and abuse in the Medicaid program.

Minor Issue – A provider action, oversight, or mistake that minimally affects compliance with a VFC requirement. (e.g., having an outdated VIS in your VIS supply.)

Negligent – Acting careless, inattentive, neglectful, willfully blind, or reckless.

Non-Compliance – Failure to meet all or part of the requirements of the VFC Program.

Termination – Permanent removal of a provider from the VFC Program. Terminated providers are required to return all VFC vaccine per State instructions.